

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF OHIO  
3 WESTERN DIVISION

4 UNITED STATES OF AMERICA, ) Docket No. 3:12CR495  
5 Plaintiffs, ) Toledo, Ohio  
6 v. ) December 19, 2012  
7 RANDOLPH LINN, ) Guilty Plea Hearing  
8 Defendants. )

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10 TRANSCRIPT OF GUILTY PLEA HEARING  
11 BEFORE THE HONORABLE JACK ZOUHARY  
12 UNITED STATES DISTRICT JUDGE

13 APPEARANCES:

14 For the Plaintiffs: United States Attorneys' Office  
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Proceedings recorded by mechanical stenography, transcript  
produced by notereading.

1           THE COURT: Please be seated everyone. We're  
2 here on case number 12CR495, United States versus Randolph  
3 Linn. The defendant is present in court along with his  
4 counsel Andy Hart. On behalf of the government we have  
5 assistant U.S. attorneys Ava Dustin, Brigitte Brennan and  
6 Gwen Howe-Gebers.

7           Before I start, let me remind those in the  
8 gallery to please conduct yourselves appropriately for the  
9 courtroom setting, number one. And number two, to avoid  
10 potential embarrassment, please make sure your cell phones  
11 are turned off. Thank you.

12           This matter is here today for a hearing which  
13 will be in two phases, Mr. Linn. The first phase will be a  
14 discussion of a superseding indictment which was filed on  
15 December 18. And the second phase will be a discussion of  
16 a binding plea agreement.

17           By way of background, the original complaint in  
18 this case was filed on October 5th, an original indictment  
19 was filed on October 17, and an arraignment was held on  
20 October 18. We have in the original indictment two counts  
21 that were charged against you, and in the superceding  
22 indictment three counts. A third count was added and we'll  
23 discuss all of that during the course of this hearing.

24           It's my understanding, Mr. Linn, that it's your  
25 intention today to respond to the superseding indictment as

1 well as to this binding plea agreement, a copy of which I  
2 was presented with earlier this week. We're going to  
3 discuss those points during the course of this hearing, and  
4 I'm going to give you a little outline of what we're going  
5 to talk about. First we're going to discuss the  
6 superceding indictment and make sure that you have read it  
7 and understood it. And then we're going to talk about the  
8 binding plea agreement and make sure that you have read it  
9 and understood it.

10           Before I can discuss these matters with you,  
11 however, I must determine the following points, first,  
12 we're going to have a conversation, you and I, and some  
13 questions and answers, the purpose of which will be to  
14 determine whether you are competent this afternoon to  
15 respond to the charges in this case. Second, I want to  
16 make sure you understand your trial rights which will be  
17 waived if I accept a guilty plea from you. Third, I want  
18 to make sure you fully understand the nature of the charges  
19 against you. And fourth and finally, determine that your  
20 plea in this case is, in fact, voluntary.

21           At any time during this hearing, Mr. Linn, you  
22 may consult in private with your lawyer, simply tell me  
23 that is what you wish and you will have that opportunity.  
24 In a moment I'm going to ask you to stand and you will be  
25 placed under oath. The purpose of which is to ask you some

1 questions. Once you are placed under oath, any false  
2 statements by you can subject you to prosecution for  
3 perjury. Giving truthful answers to some of my questions  
4 may incriminate you and necessarily result in you waiving  
5 your Constitutional right not to testify against yourself  
6 and this is so because, as part of your decision to plead  
7 guilty, you will be required to admit your guilt.

8 Do you understand everything I've discussed with  
9 you so far?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Thank you. Please stand, raise your  
12 right hand and our deputy clerk will swear you in.

13 RANDOLPH LINN,  
14 was herein, called as if upon examination, was first duly  
15 sworn, as hereinafter certified, and said as follows:

16 THE DEFENDANT: I do.

17 THE COURT: You can stay right where you are.  
18 You don't have to take the witness stand. Be comfortable.  
19 All I ask is that you make sure you talk into the  
20 microphone, and sometimes you need to get close to it for  
21 it to work best.

22 Your name for the record, please?

23 THE DEFENDANT: Randolph Thomas Linn.

24 THE COURT: And Mr. Linn, have you had any other  
25 names or nicknames or aliases?

1           THE DEFENDANT: Dumb ass is one of them, not  
2 being facetious, that was one of them. Randy another one.

3           THE COURT: How old are you, sir?

4           THE DEFENDANT: 52.

5           THE COURT: What year were you born?

6           THE DEFENDANT: '59.

7           THE COURT: And your last current address?

8           THE DEFENDANT: 6488 County Road 56, St. Joe,  
9 Indiana.

10          THE COURT: Anyone else live with you at that  
11 address in St. Joe?

12          THE DEFENDANT: I had an ex-wife and son.

13          THE COURT: Was she your ex-wife then, or was she  
14 your wife then?

15          THE DEFENDANT: Wife then.

16          THE COURT: Wife then. And your son, how old is  
17 he and his name?

18          THE DEFENDANT: 20, Colton.

19          THE COURT: And what does Colton do? Is he in  
20 school, work, both?

21          THE DEFENDANT: Works.

22          THE COURT: Where does he work?

23          THE DEFENDANT: Shambaugh & Sons, Fort Wayne.

24          THE COURT: What kind of work does he do there?

25          THE DEFENDANT: Puts sprinkler systems together.

1 THE COURT: Did your wife work outside the home?

2 THE DEFENDANT: Yeah, she works for Slattery Oil.  
3 She's an attendant, take's people's money when they get gas  
4 and stuff.

5 THE COURT: How about you, did you work outside  
6 the home?

7 THE DEFENDANT: Yeah, I was a truck driver.

8 THE COURT: For what company?

9 THE DEFENDANT: Shambaugh & Son.

10 THE COURT: Okay. We're tripping over each a  
11 little bit so I'm going to ask you to not race to an  
12 answer. Make sure I'm done with my question so our court  
13 reporter can take it down accurately.

14 THE DEFENDANT: Okay.

15 THE COURT: And this company that you drove truck  
16 for, what kind of business were they in, what did you haul?

17 THE DEFENDANT: They built sprinkler systems,  
18 kind of ironic.

19 THE COURT: You have sprinkler systems in the  
20 family.

21 THE DEFENDANT: Yeah.

22 THE COURT: How far did you go in school? Tell  
23 me about your education.

24 THE DEFENDANT: Twelfth grade.

25 THE COURT: What high school?

1 THE DEFENDANT: Leo High School.

2 THE COURT: Located.

3 THE DEFENDANT: Leo, Indiana.

4 THE COURT: Graduate?

5 THE DEFENDANT: Yes.

6 THE COURT: What year was that?

7 THE DEFENDANT: '79.

8 THE COURT: And then what did you do?

9 THE DEFENDANT: Went in the Marine Corp.

10 THE COURT: How many years? Where? What? Give  
11 me a little detail.

12 THE DEFENDANT: Four years Camp Pendleton, went  
13 to Okinawa, Philippines, Korea, Dino Garcia, Canada, a  
14 little bit of everywhere.

15 THE COURT: What rank did you ultimately achieve?

16 THE DEFENDANT: Corporal.

17 THE COURT: Honorable discharge?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Then what did you do?

20 THE DEFENDANT: Worked for my dad, hung  
21 wallpaper, ceramic tile and carpet.

22 THE COURT: Give me employment history generally  
23 from then up to date.

24 THE DEFENDANT: I guess it would be about 1992 I  
25 started driving semi over-the-road, been doing that ever

1       since.

2                   THE COURT:   Are you able to read and write  
3       English?

4                   THE DEFENDANT:   Yes.

5                   THE COURT:   How's your physical health?

6                   THE DEFENDANT:   I guess all right.

7                   THE COURT:   Are you currently under the care of a  
8       doctor or a physician or other practitioner for any kind of  
9       physical or mental issues?

10                  THE DEFENDANT:   No, sir.

11                  THE COURT:   Have you ever been under the care of  
12       a doctor or hospital for a mental condition?

13                  THE DEFENDANT:   No, sir.

14                  THE COURT:   Have you taken any drugs, alcohol or  
15       medication in the last several weeks?

16                  THE DEFENDANT:   Drugs.

17                  THE COURT:   What kind of drugs?

18                  THE DEFENDANT:   It's what they gave me here at  
19       the jail.

20                  THE COURT:   What did they give you at the jail?

21                  THE DEFENDANT:   Heart medication, cholesterol.

22                  THE COURT:   Are these regular prescription drugs  
23       that you've taken in the past?

24                  THE DEFENDANT:   Yes, sir.

25                  THE COURT:   Any adverse side effects from these



1 medications?

2 THE DEFENDANT: I didn't think so. My wife  
3 sometimes seemed to think she could tell when I wasn't  
4 taking them.

5 THE COURT: During the last several weeks, and in  
6 particular today, have you had any troubles thinking  
7 mentally?

8 THE DEFENDANT: No.

9 THE COURT: Is your mind clear this afternoon?

10 THE DEFENDANT: Yes.

11 THE COURT: You know why you're here?

12 THE DEFENDANT: Yes, of course.

13 THE COURT: Well, of course. Tell me in your own  
14 words why you're here today.

15 THE DEFENDANT: That's all I've been thinking  
16 about every since I've been picked up, since it happened.

17 THE COURT: You know the purpose of today's  
18 hearing?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: What is the purpose of today's  
21 hearing?

22 THE DEFENDANT: For burning the church.

23 THE COURT: And the purpose of today's hearing is  
24 for you to respond to that act. You understand that?

25 THE DEFENDANT: Yes, I'm guilty.

1 THE COURT: You understand this is an important  
2 hearing?

3 THE DEFENDANT: Yes, sir, I do.

4 THE COURT: Okay. Mr. Hart, have you had any  
5 difficulty communicating with the defendant?

6 MR. HART: No, Your Honor.

7 THE COURT: Have you discussed this case  
8 thoroughly with him?

9 MR. HART: Yes, Your Honor.

10 THE COURT: Do you believe he understands the  
11 purpose and nature of this hearing today?

12 MR. HART: I do.

13 THE COURT: Do you have any doubts as to his  
14 competency?

15 MR. HART: I don't, Your Honor.

16 THE COURT: Same question for Ms. Dustin. Do you  
17 have any doubts as to this defendant's competency?

18 MS. DUSTIN: No, Your Honor.

19 THE COURT: Mr. Linn, based upon your answers to  
20 my questions, your courtroom demeanor and the  
21 representations of counsel, I find that you are competent  
22 for purposes of today's hearing.

23 The next question I have for you has to do with  
24 your lawyer. Have you had enough time and opportunity to  
25 talk to your lawyer about this case?

1           THE DEFENDANT: Yes, sir, he's been a lot of  
2 help.

3           THE COURT: Good. Have you told your lawyer  
4 everything you know about this case?

5           THE DEFENDANT: Yes, I have, and he's -- helped  
6 me out, telling me what to do.

7           THE COURT: Are you satisfied with --

8           THE DEFENDANT: Yes, I couldn't have gotten a  
9 better guy to represent me.

10          THE COURT: I'm going to finish my question. Are  
11 you satisfied with his advice and his competence and his  
12 efforts on your behalf?

13          THE DEFENDANT: Yes, sir.

14          THE COURT: And have you discussed with him all  
15 possible defenses to the charges against you?

16          THE DEFENDANT: Yes, I have.

17          THE COURT: Are you satisfied then, I take it you  
18 are but let's confirm, are you satisfied with your legal  
19 assistance?

20          THE DEFENDANT: I'm not really satisfied with it  
21 but I don't have much of a choice, do I?

22          THE COURT: Yes, you have a choice.

23          THE DEFENDANT: I wish this whole thing never  
24 happened. You know what I mean?

25          THE COURT: I understand that. I want to make

1 sure you and I are on the same page. My question is an  
2 important one, and if you are unhappy for some reason with  
3 your lawyer --

4 THE DEFENDANT: Oh, no, I'm not. No. No.

5 THE COURT: If you are unsatisfied for some  
6 reason with your lawyer --

7 THE DEFENDANT: No, sir.

8 THE COURT: Okay. I remind you that you may stop  
9 at any time during this hearing and consult with him in  
10 private if you wish, okay?

11 THE DEFENDANT: Uh-huh.

12 THE COURT: That's a yes?

13 THE DEFENDANT: Yes. Yes, sir.

14 THE COURT: Let's turn then, and Mr. Hart,  
15 hopefully you have a copy in front of you to the  
16 superseding indictment which was filed on December 18 of  
17 this year. It is three pages and consists of three  
18 separate counts. Have you read this document?

19 THE DEFENDANT: Yes, sir, I have.

20 THE COURT: And you have reviewed it with your  
21 lawyer and discussed it with your lawyer?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: And counsel, do you waive any formal  
24 reading and any defects?

25 MR. HART: Yes, Your Honor.

1           THE COURT: There are several sections to this  
2   superseding indictment. The first section is general  
3   allegations followed by the three counts. Ms. Dustin,  
4   perhaps I can ask you to do just a very brief summary of  
5   the superseding indictment.

6           MS. DUSTIN: Certainly, Your Honor. The  
7   defendant is charged in count one of the indictment with  
8   damage to religious property in violation of Title 18,  
9   United States Code Sections 247(a)(1) and (d)(3). It  
10   states that on or about September 30th, 2012 in the  
11   Northern District of Ohio, Western Division, the defendant,  
12   Randolph Linn, did intentionally deface, damage and destroy  
13   any religious property because of the religious character  
14   of that property, and attempted to do so, and that the  
15   offense was in and affecting interstate and foreign  
16   commerce. To wit Randolph Linn drove a motor vehicle from  
17   Indiana to the Islamic Center in Perrysburg, Ohio. And  
18   after unlawfully entering the Islamic Center, while  
19   carrying a firearm, used gasoline to set a fire in the  
20   center of the Islamic Center's prayer room.

21           If convicted of that count, the defendant faces  
22   up to 20 years imprisonment, a fine of \$250,000, up to  
23   three years of supervised release and a \$100 special  
24   assessment.

25           Count 2 of the indictment charges the defendant

1 with use of fire or explosives to commit a felony. And  
2 under that count the previous allegations set forth in the  
3 general allegations and the count one are incorporated by  
4 reference and in specifically in this count the defendant's  
5 charged on or about September 30th, 2012 with knowingly and  
6 willfully using fire to commit an offense prosecutable as a  
7 felony in a court of the United States. To wit, the felony  
8 of damage to religious property in violation of Title 18  
9 United States Code Sections 247(a)(1) and 247(d)(3), which  
10 is charged in count one of this superseding indictment.  
11 And that also occurred in the Northern District of Ohio,  
12 Western Division. If convicted of count 2 of the  
13 indictment -- superseding indictment, the defendant faces a  
14 mandatory ten years imprisonment which must be served  
15 consecutive to the sentence of imprisonment in count one,  
16 and a fine of \$250,000, up to three years of supervised  
17 release and a special assessment of one -- of \$100.

18 Count 3 of the superseding indictment charges the  
19 defendant with violating Title 18, United States Code  
20 Section 924(c), carrying a firearm in connection with a  
21 crime of violence. It also incorporates paragraphs one and  
22 two of the general allegations and sets forth that on or  
23 about September 30th of 2012 in the Northern District of  
24 Ohio, Western Division, the defendant, Randolph Linn, did  
25 knowingly use and carry a firearm during and in relation to

1 the commission of a crime of violence for which he may be  
2 prosecuted in a court of the United States. That is the  
3 felony of use of fire or explosives to commit felony in  
4 violation of Title 18, United States Code Section 844(h)(1)  
5 which is charged in Count 2 of the superseding indictment.  
6 If convicted of Count 3 the defendant faces a mandatory  
7 five years imprisonment which must be consecutive to the  
8 sentence of imprisonment in Count 2, a statutory fine of  
9 \$250,000, up to three years of supervised release and a  
10 \$100 special assessment.

11 THE COURT: Mr. Hart, did you have an opportunity  
12 to -- well, first let me ask you, do you agree with the  
13 summary by the assistant U.S. attorney?

14 MR. HART: Yes, Your Honor.

15 THE COURT: And have you had an opportunity to  
16 discuss this superseding indictment in full with your  
17 client?

18 MR. HART: Yes, Your Honor. We discussed it this  
19 morning.

20 THE COURT: This morning?

21 MR. HART: Well, it was returned yesterday or the  
22 day before, so.

23 THE COURT: And tell me, have you had a number of  
24 other discussions prior to yesterday and today with your  
25 client?

1 MR. HART: Yes, Your Honor.

2 THE COURT: Give me a ballpark estimate of how  
3 often.

4 MR. HART: Your Honor, we've met regularly since  
5 this matter was originally brought before The Court.

6 THE COURT: Thank you. Mr. Linn, what you just  
7 heard was a summary of the charges in this case against  
8 you, along with potential penalties. And that would  
9 include both financial penalties as well as prison time.  
10 And your lawyer's indicated that he has had an opportunity  
11 to discuss all these matters with you in full; is that  
12 correct?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: And you understand these charges and  
15 potential penalties that you face?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: In lieu of taking a plea at this  
18 point, given that we're going to be turning to the binding  
19 plea agreement next, that's what I'm going to do next is  
20 I'm going to turn to the binding plea agreement, and  
21 discuss with you next, Mr. Linn, the terms of that plea  
22 agreement. However, before I get to that I want to review,  
23 as I indicated at the outset I would, your trial rights  
24 with you. Because your trial rights are impacted should  
25 you choose to plead guilty to the superseding indictment.



1 And I want to review those rights with you on the record so  
2 that I'm satisfied that you understand those rights.

3 Under the Constitution of the United States you  
4 have the right to a trial, either to a court or to a jury.  
5 And at that trial, Mr. Linn, you would have the right to  
6 confront and cross examine witnesses the government might  
7 bring to testify against you, and you have your own process  
8 for obtaining witnesses to testify on your behalf. And the  
9 government would be required to prove your guilt beyond a  
10 reasonable doubt, and you could not be compelled to testify  
11 against yourself.

12 I want to make sure you understand that if you  
13 choose to enter a guilty plea this afternoon, you are  
14 giving up your right not only to the trial but to all the  
15 other rights I just listed. You understand that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: And you also understand you have a  
18 right to plead not guilty as you did earlier in this case,  
19 and you have a right to maintain that plea of not guilty  
20 even if you are, in fact, guilty. You understand that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: And if you were to maintain a plea of  
23 not guilty, you would have the right to a speedy trial, at  
24 which time you would have the right to be represented by a  
25 lawyer, and if you could not afford a lawyer, The Court

1 would appoint a lawyer to represent you. And at that trial  
2 you would be presumed innocent, and you would not have to  
3 prove that you are innocent, but, rather, the burden of  
4 proof in a criminal case remains on the government  
5 throughout the case. You understand that as well?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: If you had a trial you could not be  
8 forced to testify, and if you chose not to testify, no  
9 inference or suggestion of guilt could be made or drawn  
10 from the fact that you did not testify. That is an  
11 important right you have as a defendant in a criminal case.  
12 You understand that right?

13 THE DEFENDANT: Yes, I do.

14 THE COURT: If your trial was before a jury, a  
15 large number of prospective jurors from Northwest Ohio  
16 whose names are chosen at random would be called here to  
17 this courthouse and would ultimately be composed of 12  
18 persons, after you and your lawyer had an opportunity to  
19 participate in the jury selection process. During that  
20 process, you can exclude jurors for cause, for bias or  
21 other reasons of disqualification, and the jury would have  
22 to agree unanimously on its verdict after it separately  
23 considered each element of each count charged against you.  
24 You understand everything I've told you so far?

25 THE DEFENDANT: Yes, sir.

1           THE COURT: If at that trial you were found  
2 guilty, you would also then have a right to appeal your  
3 conviction under certain circumstances. And you also have  
4 a right by statute to appeal your sentence under certain  
5 circumstances. However, in the binding plea agreement, a  
6 copy of which I have recently reviewed, there includes a  
7 section which limits your appeal rights. Are you willing  
8 to comply under this agreement, with this waiver of your  
9 appeal rights?

10           THE DEFENDANT: Yes, sir.

11           THE COURT: In short verse, Mr. Linn, you  
12 understand that if you choose to plead guilty here today,  
13 your appeal rights will be much more limited than they  
14 otherwise would be, you understand that?

15           THE DEFENDANT: Yes, sir. That's what I'm doing.

16           THE COURT: You understand then if you plead  
17 guilty, you're waiving all these rights? If I accept a  
18 guilty plea, there'll be no trial, I will enter a finding  
19 of guilty, and then sentence you on the basis of your  
20 guilty plea after we have considered a presentence report.  
21 You understand that?

22           THE DEFENDANT: Yes, sir.

23           THE COURT: And you also understand that by  
24 pleading guilty you may be deprived of valuable civil  
25 rights, including the right to possess any kind of firearm.

1 Are you willing to give up these rights?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: You are a citizen of the United  
4 States, am I correct?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Next I want to go over with you the  
7 binding plea agreement. I see that a copy is in front of  
8 you. I'm going to go through this with you, Mr. Linn, page  
9 by page. Please follow along, and as always, if you have  
10 any questions, please consult in private with your lawyer.  
11 First, have you gone over this plea agreement prior to  
12 today with your lawyer?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: And are these your initials in the  
15 lower right hand corner that I see on every page of this  
16 agreement which, for the record, is 14 pages?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Let's walk through it together then.  
19 On the first page there is a section called Waiver of  
20 Constitutional trial rights. I have discussed that with  
21 you earlier in this hearing. This is a summary of that  
22 discussion. Do you understand this provision of the  
23 agreement?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: The second section is captioned

1 Statutory Penalties. And it lists the penalties that you  
2 face for each of the three counts, and there is a box at  
3 the bottom of page 2 which summarizes the description of  
4 each offense, Counts 1 through 3, and also the sentences  
5 that you face for each of those counts. You understand  
6 this as well?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: I need to highlight for you that the  
9 Counts 2 and 3 are consecutive counts which means the  
10 sentence for Count 2 is consecutive to Count 1, and the  
11 sentence for Count 3 is consecutive to Count 2, which means  
12 they're added together, that you do not get the benefit of  
13 a concurrent sentence. You understand that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Top of page three, and if at any time  
16 either counsel believes that there is something else they  
17 wish to highlight during my discussion, feel free to join  
18 the discussion. Page 3, paragraph three, minimum sentence  
19 must include imprisonment. And what this says is that a  
20 term of imprisonment must be imposed for each of these  
21 counts, and that, as we just discussed, there are  
22 consecutive sentences between Counts 1 and 2, and Counts 2  
23 and 3. You understand that paragraph?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Paragraph four, special assessment

1 requires that you pay \$100 for each count of conviction,  
2 that would be a total of \$300 due immediately at  
3 sentencing, you understand that?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Paragraph five talks about costs, and  
6 that you may be ordered to pay costs in this case,  
7 including imprisonment, community confinement, home  
8 detention, probation, supervised release or other related  
9 costs. Do you understand that?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Paragraph six talks about  
12 restitution. And in that paragraph you acknowledge that  
13 you owe restitution to the Islamic Center of Greater Toledo  
14 as will be set forth in a later paragraph. And that as  
15 part of the sentencing order in this case, you will be  
16 ordered to pay restitution to the Islamic Center. Do you  
17 understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Paragraph seven talks about violation  
20 of probation, supervised release. And what it says in  
21 short verse is that upon release from prison, if you are on  
22 supervised release, and you violate that supervised  
23 release, that can result in additional penalties imposed by  
24 The Court, including additional time, imprisonment. You  
25 understand that?

1 THE DEFENDANT: Yes, I do, sir.

2 THE COURT: Paragraph eight at the top of page  
3 four. Paragraph eight indicates an agreement to plead  
4 guilty and says, quote, defendant agrees to -- agrees to  
5 plead guilty to the superseding indictment in this case,  
6 end quote. You understand and agree with that paragraph?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Paragraph nine, agreement not to  
9 bring certain other charges. This paragraph indicates that  
10 the government will not bring any other criminal charges  
11 relating to the conduct charged in the superseding  
12 indictment or described later on in this agreement. You  
13 understand that paragraph?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Paragraph ten, elements of the  
16 offense. In this paragraph, which carries on to the top of  
17 the next page, discusses each count. And with each count  
18 lists the elements of that offense. So for damage to  
19 religious property in Count 1, there are three elements.  
20 First that you defaced, damaged or destroyed religious real  
21 property because of the religious character of that  
22 property; 2, that you acted intentionally; and 3, that the  
23 crime was in or affected interstate or foreign commerce.  
24 You understand that if you plead guilty to Count 1 you are,  
25 in effect, admitting each of these three elements. You

1 understand that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: And then the next one for Count 2,  
4 the use of fire or explosives to commit felonies. It has  
5 two elements, first, that you committed a felony for which  
6 a person may be prosecuted in a court of law, and second,  
7 that you used fire or an explosives to commit the crime.  
8 You understand if you plead guilty to Count 2 you are  
9 admitting each of these elements?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: And finally, Count 3 at the top of  
12 Page 5, using or carrying a firearm during crime of  
13 violence. This has three elements. First, that you used  
14 or carried a firearm; second that you knew that you were  
15 using or carrying a firearm; and three, that you used or  
16 carried a firearm in relation to a crime of violence. You  
17 understand that if you admit your guilt to Count 3 you are  
18 admitting each of these elements, you understand that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: The next section is captioned  
21 sentencing stipulations and agreements. And paragraph 11  
22 talks about the sentencing guidelines. And that applies  
23 particularly in a case where there is a non-binding plea  
24 agreement, but here we have a binding plea agreement. But  
25 in any event, there will be a calculation of your prison



1 range under the guideline table. Let me ask you first,  
2 have you discussed the guidelines somewhat with your  
3 lawyer?

4 THE DEFENDANT: Yeah. Yes, sir.

5 THE COURT: Okay. These are directed by 3553(a),  
6 a statute which also is mentioned in this paragraph and  
7 requires that a court consider other factors in addition to  
8 the guidelines at the time of your sentencing. The last  
9 paragraph is -- I'm sorry, the last sentence of that  
10 paragraph, paragraph 11 is perhaps most important. It says  
11 that you understand and agree that the plea agreement in  
12 this case binds The Court in sentencing as set forth in  
13 paragraph 13 below. You understand that paragraph 11 in  
14 total?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Paragraph 12 discusses the  
17 presentence report which we just touched on. A presentence  
18 report will be prepared and be distributed prior to your  
19 sentencing in this case, will be discussed. Counsel for  
20 both sides, including you also will have an opportunity to  
21 comment on that presentence report which will gather  
22 information about you, your history and the crime in this  
23 case. You understand that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: Now, paragraph 13, which was

1 mentioned a moment ago, at the top of Page 6 indicates that  
2 after we have considered the factors under 3553(a), and by  
3 the way, those factors include the nature and circumstances  
4 of your crime, the history and characteristic of you as the  
5 defendant, the need for the sentence to reflect the  
6 seriousness of the crime, promote respect for the law and  
7 provide for a just punishment, deter you and others from  
8 crimes like this, protect the public from crimes like this  
9 as well as providing you with any needed training or  
10 treatment. Those are the factors under 3553(a) that are  
11 referenced in this paragraph.

12 And this paragraph goes on to say that neither  
13 party, that means of course you as well, neither party will  
14 recommend or suggest in any way a departure or variance is  
15 appropriate regarding the agreed upon sentence in this  
16 agreement of 20 years in prison. You understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: And you agree with that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Paragraph 14 is captioned allocation.  
21 And what that means, at the time of sentencing you and the  
22 lawyers will have an opportunity to speak and have an  
23 opportunity to tell me what you think is important in this  
24 case. You understand that?

25 THE DEFENDANT: Yes, sir.

1           THE COURT: Paragraph 15 is captioned stipulated  
2 guideline computations. And it talks about the guideline  
3 range which I referenced earlier and the guideline manual  
4 which sets forth points for the crimes in this case. And  
5 that you agree with those calculations in this paragraph  
6 and agree that Count 2 carries a mandatory term in prison  
7 of ten years which must be served consecutively to Count 1.  
8 And you understand and agree that Count 3 carries a  
9 mandatory term of five years which must be served  
10 consecutively to Count 2. And that, based on the guideline  
11 range calculation, I'm now at the top of Page 7, which will  
12 likely be 51 to 63 months, the mandatory terms of  
13 incarceration applicable to Counts 2 and 3 along with the  
14 3553(a) factors result in a commitment to the Bureau of  
15 Prisons for a term of 20 years. You understand this  
16 important paragraph?

17           THE DEFENDANT: Yes, sir.

18           THE COURT: Paragraph 16 talks about acceptance  
19 of responsibility and indicates that the guideline range  
20 may be affected by three levels down based upon your  
21 acceptance of responsibility, and you understand that it  
22 will be up to me at the time of sentencing to determine  
23 whether a reduction is appropriate. You understand that?

24           THE DEFENDANT: Yes, sir.

25           THE COURT: You also understand that this

1 paragraph 16 in no way will change the ultimate sentence  
2 that has been agreed upon as reflected in paragraph 15, you  
3 understand that?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Paragraph 17 is criminal history  
6 category, indicates neither side has an agreement about  
7 what your criminal history category is in this case. That  
8 will be determined at the time of the presentence report.  
9 You understand that?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: The next section, the super caption  
12 is waiver of appeal and post conviction attack. And there  
13 are two paragraphs in this section, 18 and 19. And 18  
14 talks about you giving up your right in limited  
15 circumstances to appeal the conviction or sentence in this  
16 case. This is a matter that we touched on at the earlier  
17 part of this hearing, and it also indicates that you will  
18 not challenge the conviction or sentence collaterally, and  
19 that you voluntarily and expressly waive those rights  
20 except as reserved in this paragraph. You understand this  
21 paragraph?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: And it goes on to more detail in the  
24 top of the next page. And indicates those exceptions which  
25 are carved out from your waiver. You agree with this

1 paragraph?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: The next section is factual basis and  
4 relevant conduct. It is paragraph -- I may have misspoke  
5 earlier when I said paragraphs 18, 19. It is only  
6 paragraph 18 that deals with the waiver of appeal and post  
7 conviction attack.

8 Paragraph 19 is quieting lengthy, goes on to 20,  
9 and that's a factual basis and relevant conduct section and  
10 we're going to skip over that and come back to that in a  
11 moment. I'm going have the Assistant U.S. Attorney discuss  
12 that case in detail with you.

13 The next section I want to discuss is paragraph  
14 21 restitution. And we touched upon this earlier. This  
15 paragraph sets forth in some detail your agreement to make  
16 full restitution as ordered by this court for losses that  
17 were caused by your conduct in this case. And that you  
18 agree not to seek discharge of any obligation of  
19 restitution, and that this will be included and discussed  
20 in the probation office's report. The presentence report,  
21 which will be available to us at the time of sentencing,  
22 and you understand that this restitution order could exceed  
23 \$1 million due to the amount of loss associated with fire  
24 and water damage at the Islamic Center, you understand this  
25 paragraph?

1           THE DEFENDANT: Yes, sir, but I don't know where  
2 they get \$1 million though.

3           THE COURT: That's correct, we don't know the  
4 exact sum, and that will come out in more detail in the  
5 presentence report at the time of your sentencing. But  
6 what they're doing is telling you that it could exceed  
7 \$1 million. We don't know right now. It is hoped at the  
8 time of sentencing we'll have a more exact figure that I am  
9 trusting counsel for both sides and you will have some  
10 conversations about. And if there's disagreement,  
11 Mr. Linn, at the time of sentencing it will be up to me to  
12 decide what that number is. You understand all that?

13           THE DEFENDANT: Yes, sir.

14           THE COURT: Very good. The final section is  
15 captioned other provisions. It includes a number of items  
16 in paragraph 22 through 28 including, in paragraph 22, a  
17 discussion of financial statement; 23, that the parties are  
18 free to advise The Court about matters not expressly  
19 addressed; 24, sentencing recommendation binding on The  
20 Court, that's an important paragraph which has also been  
21 repeated earlier in this agreement; paragraph 25,  
22 consequences of breaching the plea agreement and sets forth  
23 your understanding that if you breach any promise in this  
24 agreement or if I reject your guilty plea, or it's vacated  
25 or set aside, that the government will be released from its

1 obligations under this agreement and may institute or  
2 maintain charges and make recommendations with respect to  
3 sentencing that otherwise would be prohibited under the  
4 terms of this agreement. Defendant understands, however,  
5 that a breach of this agreement by the defendant will not  
6 entitle you to withdraw, vacate or set aside your guilty  
7 plea or conviction. You understand all these paragraphs  
8 including importantly numbers 24 and 25?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Paragraph 26 is captioned agreement  
11 not binding on other jurisdictions and agencies; 27, that  
12 you are satisfied --

13 MR. HART: Judge --

14 THE COURT: I'm sorry.

15 MR. HART: The final sentence in paragraph 26  
16 probably does -- involves the non-prosecution agreement  
17 with Wood County.

18 THE COURT: Thank you. Then we will discuss that  
19 in more detail. This paragraph 26 indicates that this plea  
20 agreement is binding only on the U.S. Attorney's Office for  
21 the Northern District of Ohio. It does not bind other U.S.  
22 attorneys, other federal agencies or other state or local  
23 governments. And in particular if I accept this binding  
24 plea agreement and I, in fact, impose a term of 20 years,  
25 the Wood County prosecutor's office agrees not to bring any

1 criminal charges against you stemming from the conduct  
2 described in this agreement. You understand this  
3 paragraph?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: And paragraph 27 indicates that you  
6 are satisfied with the assistance of counsel, as we touched  
7 on earlier in our hearing today, and that defendant makes a  
8 number of truthful statements as outlined in this  
9 paragraph. You've read and understand this paragraph as  
10 well?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Finally, paragraph 28 states this  
13 agreement is complete and voluntarily entered into by you,  
14 you understand this paragraph and agree with it as well?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Let me at this juncture ask the U.S.  
17 attorney to summarize those paragraphs that we passed over  
18 and complete our review of this agreement. And I would  
19 direct you to Page 8, paragraphs 19 and 20, which continue  
20 on to Page 9 and 10. Ms. Dustin?

21 MS. DUSTIN: Thank you, Your Honor.

22 THE COURT: Please listen carefully, Mr. Linn,  
23 because I will have questions for you about this.

24 MS. DUSTIN: The defendant agrees that the  
25 factual basis set forth in the plea agreement fairly and



1 accurately describes the offense conduct and sets forth the  
2 factual basis for the guilty plea, specifically, though, if  
3 this case proceeded to trial the evidence would establish  
4 beyond a reasonable doubt that on September 30th, 2012, the  
5 defendant, Randolph Linn, left his residence in St. Joe,  
6 Indiana driving a red four door Chevrolet Sonic.

7           Inside of the defendant's vehicle were numerous  
8 firearms and three red gas cans. The defendant then  
9 crossed state lines and entered the state of Ohio. Near  
10 Perrysburg, Ohio he stopped at a gas station where he  
11 filled the three red gas cans with gasoline.

12           He then drove to the Islamic Center of Greater  
13 Toledo referred to as The Islamic Center, which is located  
14 on Schneider Road in Perrysburg, Ohio.

15           THE COURT: These are the three paragraphs on  
16 Page 8 of the plea agreement denoted as paragraphs A, B and  
17 C. You agree with each of these paragraphs, Mr. Linn?

18           THE DEFENDANT: Yes, sir.

19           MS. DUSTIN: The Islamic Center is an Islamic  
20 mosque which is a religious place of worship for  
21 practitioners of the Islamic faith.

22           Turning now to Page 9, paragraph D of the plea  
23 agreement, the defendant made numerous attempts to enter  
24 the Islamic Center before gaining entry through one of the  
25 Islamic Center's first floor doors. He then entered the

1 Islamic Center and walked through many rooms of the center  
2 while carrying a handgun in his left hand.

3 Paragraph E, after walking through the Islamic  
4 Center he exited the building and returned with a red gas  
5 can. He then entered the prayer room which is on the  
6 second floor of the Islamic Center and poured the gasoline  
7 on the prayer rug, a large patterned style rug used by  
8 members of the Islamic Center during their prayer services.  
9 He then set fire to the prayer rug.

10 Paragraph F --

11 THE COURT: Let me stop you there. Paragraphs D  
12 and E on this page, Mr. Linn, you agree with each of these  
13 two paragraphs? Are they correct?

14 THE DEFENDANT: Yes, sir.

15 MS. DUSTIN: The defendant acknowledges that the  
16 Islamic Center, along with the prayer room and prayer rug  
17 contained therein, are religious property. He further  
18 acknowledges that he intentionally set the fire because of  
19 the religious character of that property.

20 Paragraph G, the bottom of Page 9, he  
21 acknowledges that the circumstances of these offenses  
22 affected interstate or foreign commerce because the  
23 circumstances included, among other things, that the  
24 defendant crossed state lines to commit these crimes, he  
25 drove an instrumentality of interstate commerce,

1 specifically the red Chevy Sonic from his home in Indiana  
2 to the Islamic Center in Ohio. He transported numerous  
3 firearms, all of which were manufactured outside of the  
4 State of Ohio in his vehicle and to the Islamic Center.

5 The Islamic Center of Greater Toledo also  
6 operated a school and a store, both of which were engaged  
7 in interstate commerce, and that they purchased items for  
8 use in the school or resale in the store which were  
9 manufactured outside of the State of Ohio. And the  
10 defendant purchased the gasoline used to start the fire at  
11 a gas station near Perrysburg, Ohio.

12 THE COURT: You understand these two paragraphs,  
13 F and G and you agree with each of them?

14 THE DEFENDANT: Yes, sir, I do.

15 MS. DUSTIN: On the top of Page 10, subparagraph  
16 H, the defendant -- defendant acknowledges and agrees that  
17 destruction of religious property in violation of Title 18,  
18 United States Code Sections 247(a)(1) and (d)(3) may be  
19 prosecuted in a court of the United States.

20 Paragraph five he further acknowledges and agrees  
21 that the use of fire or explosives to commit a felony in  
22 violation of Title 18 U.S. code section 844(h)(1) is a  
23 crime of violence and may be prosecuted in court of the  
24 United States.

25 Subparagraph J, he acknowledges and agrees the

1 conduct described herein occurred in the Northern District  
2 of Ohio, Western Division.

3 Finally, paragraph 20, the defendant acknowledges  
4 that this summary of his conduct does not set forth each  
5 and every fact that the U.S. Attorney's Office could prove  
6 at trial, nor does it encompass all of the acts which he  
7 committed in furtherance of the offenses to which he is  
8 pleading guilty.

9 THE COURT: Mr. Linn, you agree also with  
10 subparagraphs H, I and J?

11 THE DEFENDANT: Yes, sir, I do.

12 THE COURT: And paragraph 20 as well?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Mr. Hart, anything you or your client  
15 wish to add to the factual basis as set forth in these  
16 paragraphs?

17 MR. HART: No, Your Honor.

18 (Mr. Hart and defendant conferring off the  
19 record.)

20 THE COURT: Let the record reflect that defendant  
21 and his counsel are having a private conversation.

22 MR. HART: Thank you, Your Honor.

23 THE COURT: Mr. Linn, we noted earlier in this  
24 hearing that you had initialed each page of the agreement  
25 in the lower right-hand corner. Did you read this plea

1 agreement?

2 THE DEFENDANT: Yes, sir, I did.

3 THE COURT: And you discussed it with your  
4 lawyer; is that correct?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: In addition to the initials, have you  
7 signed the agreement on page 13?

8 THE DEFENDANT: Not on this copy here I haven't,  
9 sir.

10 THE COURT: Then I would ask you at this moment  
11 in time if you wish to discuss this agreement at all and  
12 additional time will be given to you to do so with your  
13 lawyer. If you're satisfied with your understanding of the  
14 agreement, you may sign and date and then hand it to your  
15 lawyer for similar signing and date.

16 MR. HART: Agreement's been executed, Your Honor.  
17 Everyone else has executed it.

18 THE COURT: Would you hand it then to our deputy  
19 clerk, please.

20 Given this nature of this proceeding, Mr. Linn,  
21 and given the request that this be a binding plea  
22 agreement, I feel obligated to ask you some questions now  
23 that I might otherwise ask you at a sentencing hearing.  
24 But I think it appropriate for me to ask you these  
25 questions now. And my first question to you is what

1 motivated you to commit these acts?

2 THE DEFENDANT: Newspaper. Newspaper, radio  
3 stations I listen to, news. Every day you turn on the TV  
4 you see Muslims killing Americans, trying to blow up stuff.  
5 It was my way, I guess, in trying to get some payback for  
6 people that got killed, all the Muslims over in the Middle  
7 East, you know.

8 THE COURT: And was there something that  
9 triggered you on this particular day to take the action?

10 THE DEFENDANT: I was watching something on TV  
11 and I don't know. They had a vet get up missing both his  
12 legs, both his arms and that really set me off. It was on  
13 television.

14 THE COURT: So was this impulsive, or was this  
15 something you thought about for a period of time?

16 THE DEFENDANT: No, I definitely did not think  
17 about it. It's something I just jumped up and did.

18 THE COURT: Did you discuss it with anyone or  
19 just hop in the car?

20 THE DEFENDANT: No, just hopped in the car and  
21 did it.

22 THE COURT: Were you drinking or smoking anything  
23 that night?

24 THE DEFENDANT: Yes, sir, drinking.

25 THE COURT: Drinking?

1 THE DEFENDANT: Beer.

2 THE COURT: Had you had a lot of beer?

3 THE DEFENDANT: Thirty pack and probably half  
4 another 30 pack.

5 THE COURT: Say that again.

6 THE DEFENDANT: A 30 pack and half another 30  
7 pack, so 30 and 15, 45 beers.

8 THE COURT: Over what period of time?

9 THE DEFENDANT: From the time my wife went to  
10 work until, I don't know, 3:00.

11 THE COURT: Give me a number of hours. That  
12 doesn't help me. So over what period of time are you  
13 telling me you had 45 beers?

14 THE DEFENDANT: Probably about six, seven hours I  
15 guess.

16 THE COURT: Is that unusual for you or usual?

17 THE DEFENDANT: That's a little on the high side.

18 THE COURT: Did you have any trouble driving?

19 THE DEFENDANT: No because I do that for a  
20 living. All I've got to do --

21 THE COURT: You don't usually drive and drink  
22 with those quantities in you, do you?

23 THE DEFENDANT: No. No. I normally don't drive  
24 at all because I've got a CDL license driving semis and  
25 that's a no no. I normally don't drink and drive at all.

1     Why I did that time -- I usually have my son or wife take  
2     me somewhere if I've been drinking.

3                 THE COURT:   And what led you to the Islamic  
4     Center in Perrysburg?   Had you been there before or been by  
5     it before?

6                 THE DEFENDANT:   I've been by it a bunch of times.  
7     I used to haul steel for Heidtman Steel in Toledo, I'd go  
8     by it just about every day.

9                 THE COURT:   I take it you didn't know anybody  
10    that was a member of that congregation?

11                THE DEFENDANT:   No, I didn't know any Muslims.  
12    The only Muslims I knew is what I seen on TV and heard on  
13    the talk radio shows, Fox News, watching all that stuff.  
14    And I had a really bad opinion of them, and it was my way  
15    of getting some payback I guess, which I really didn't hurt  
16    anybody but myself and my family.

17                THE COURT:   Do you think all Muslims are  
18    terrorists or bad people?

19                THE DEFENDANT:   I would say -- yeah, I would say  
20    they are, most of them.

21                THE COURT:   Do you know anything about the  
22    Islamic faith, have you ever studied it?

23                THE DEFENDANT:   They don't believe in Jesus  
24    Christ as a savior, I know that much.

25                THE COURT:   There are other religious that don't



1 believe in Jesus Christ.

2 THE DEFENDANT: But they're not going around  
3 killing us.

4 THE COURT: Is there anything else about this  
5 crime that you want to share with me at this juncture?

6 THE DEFENDANT: Well, I feel -- feel bad I did  
7 it, little too late now.

8 THE COURT: How long did it take you to drive  
9 here and get there? So you had a certain amount of time to  
10 be thinking about this while you were driving, and  
11 apparently nowhere along the way did you stop and slap  
12 yourself and say, man, this is a dumb idea?

13 THE DEFENDANT: Yeah I know, yeah. On the way  
14 going -- coming back I thought what in the heck did I just  
15 do. I couldn't believe I did it. I never been in trouble  
16 before. What made me do that, I don't know. I guess we'll  
17 never know.

18 THE COURT: The plea agreement that I have been  
19 handed by my deputy clerk, the record should reflect  
20 includes today's date with the signature of the defendant,  
21 along with his counsel, along with the three assistant U.S.  
22 attorneys who are present today. And before I sign the  
23 agreement, a few final words with you, Mr. Linn.

24 MS. DUSTIN: Your Honor, may I interrupt and ask  
25 for -- ask a request. At some point can the government

1 respond to some of the statements the defendant made?

2 Because we do have some evidence to rebut some of the  
3 statements, and we would like to make a record of that.

4 THE COURT: Why don't you do so now before I have  
5 to make my decision. I think, yes, absolutely I would want  
6 to hear --

7 MS. DUSTIN: Just a few things with respect to  
8 the evidence that the government would -- would be able to  
9 establish. The evidence would show that the defendant  
10 actually had made a threat to burn down the Islamic Center  
11 approximately two weeks before he actually did set fire to  
12 it. Also the evidence that we have would show that --

13 THE COURT: He made that threat to whom?

14 MS. DUSTIN: He made it to his son. He had  
15 stated that intention approximately two weeks previously to  
16 his son. Also with respect to his allegation that, you  
17 know, or his -- that he was drunk and didn't know what he  
18 was doing, the drive from St. Joe, Indiana to Perrysburg is  
19 approximately an hour and 45 minutes to two hours. Also as  
20 The Court -- I don't know if The Court's ever been to the  
21 Islamic Center but it's not an easy building to locate.  
22 Although it's a large building when you see it from  
23 Interstate 75 and 475 you think it's right there, but you  
24 actually have to get off the interstate and wind through  
25 several roads in order to get there. He's also shown on

1 videotape --

2 THE COURT: Maybe he used Mapquest or Google.

3 Did you?

4 THE DEFENDANT: I do have that but I wasn't using  
5 nothing.

6 THE COURT: You were able to figure it out?

7 THE DEFENDANT: Yeah, it was easy. I drive for a  
8 living, I've got over a million miles.

9 MS. DUSTIN: He also pumped gas. We have him on  
10 videotape pumping gas at a gas station in Perrysburg -- I  
11 don't think it was Perrysburg, it was another city --

12 THE DEFENDANT: Ridgeville Corners.

13 THE COURT: Where was it, Ridgeville Corners?  
14 Too bad you didn't run out of gas or the gas station wasn't  
15 closed.

16 MS. DUSTIN: When he arrived at the Islamic  
17 Center at one point when he entered he actually pulled his  
18 sleeve over the can to open the door. The videotape also  
19 shows he walked throughout the Islamic Center looking at  
20 every room as if looking to clear the place.

21 THE COURT: Looking to clear the place?

22 MS. DUSTIN: Looking in every room, looking for  
23 people or seeing if anyone was there. But he walks in and  
24 out of every room or many of the rooms of the Islamic  
25 Center.

1           THE COURT:   So what were you doing, Mr. Linn?  
2   Were you looking for people or just looking for a place to  
3   start the fire?

4           THE DEFENDANT:   I was looking for a place.   I  
5   wanted to make sure there was no one in there and walking  
6   around.   I was drinking a beer too while I was doing that.

7           MS. DUSTIN:   That is true because we found a can  
8   of beer inside of the Islamic Center.   And as The Court --  
9   also he was carrying a firearm when he walked throughout  
10   the Islamic Center, and had the firearm displayed.

11          THE COURT:   And this occurred at approximately  
12   what time?

13          MS. DUSTIN:   4 -- it was between 4:10 in the  
14   afternoon and 4:54 in the afternoon.   There had been people  
15   at the Islamic Center just prior to that.   They had -- they  
16   had left, several people had been at the center just prior  
17   to that time.

18          Also after the defendant was arrested in Indiana  
19   outside of his place of employment and he was placed in one  
20   of the patrol cars, he stated "F those Muslims", and "They  
21   would kill us if they got the chance."   He also said "Do  
22   you know we have Muslims working in Homeland Security  
23   Department?   Do you know we have Muslims working in the  
24   White house and they're on the terrorist no fly list."   And  
25   that was said -- those statements were stated in our

1 written, in a report by the arresting officer.

2 THE COURT: Mr. Hart, anything you wish to  
3 respond to?

4 MR. HART: Your Honor, I could have misheard but  
5 I don't believe Mr. Linn excused the conduct or made any  
6 statement with respect to his culpability in terms of  
7 alcohol. He was just simply responding to The Court's  
8 questions. So I'd leave the factual basis be, and he would  
9 be otherwise sufficient.

10 THE COURT: I didn't hear the end, the factual  
11 basis --

12 MR. HART: Would be otherwise sufficient.

13 THE COURT: Then back to where we were, and that  
14 is having identified the signatures that are on the plea  
15 agreement. And before I sign this binding agreement, I  
16 want to ask a few final questions of you, Mr. Linn. Are  
17 you prepared to live by this agreement?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: You understand that by signing this  
20 agreement you'll have no trial of any kind?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: You understand you have no right to  
23 appeal your conviction, you understand that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: And you understand that I will enter

1 a judgment of guilty on the basis of your guilty plea as  
2 reflected in this agreement?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: Have any threats or promises been  
5 made to you to enter into this plea agreement?

6 THE DEFENDANT: No, sir.

7 THE COURT: Is your willingness to do so entirely  
8 voluntary?

9 THE DEFENDANT: Yes, sir, it is.

10 THE COURT: And you are prepared to plead guilty  
11 then of your own free will because you are, in fact,  
12 guilty?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Do you feel it's in your best  
15 interest to enter into this plea agreement?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: We're at that point in the hearing  
18 then for me to ask you, what is your plea with respect to  
19 Count 1 of the superseding indictment?

20 THE DEFENDANT: Guilty.

21 THE COURT: And what is your plea with respect to  
22 Count 2 of the superseding indictment?

23 THE DEFENDANT: Guilty.

24 THE COURT: And what is your plea with respect to  
25 Count 3 of the superseding indictment?

1 THE DEFENDANT: Guilty.

2 THE COURT: And your guilty pleas on each count  
3 are entirely voluntary, correct?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: No one has made a threat or a promise  
6 for you to enter into these guilty pleas, correct?

7 THE DEFENDANT: No, sir.

8 THE COURT: Correct. No, sir. Let's try that  
9 again. Has anyone made a threat or promise for you to  
10 enter into these guilty pleas?

11 THE DEFENDANT: No, sir, they haven't.

12 THE COURT: Your guilty pleas then are of your  
13 own free will because you are, in fact, guilty?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Since you acknowledge that you are in  
16 fact guilty as charged in the three counts of the  
17 superseding indictment, you have had the assistance of an  
18 able lawyer, you know your right to a trial which is being  
19 waived if I accept your guilty pleas, you know what your  
20 sentence in this case will be under this binding agreement,  
21 namely 20 years. You know what the guidelines provide on  
22 the basis as well as your maximum penalties under statute,  
23 and on the basis of the answers given by you under oath and  
24 on the record here today, I find as follows: I find that  
25 you were advised of your Constitutional rights, that you

1     made a knowing, intelligent, voluntary waiver of those  
2     rights, and, further, that you were advised of your limited  
3     rights to appeal. I further find your guilty pleas were  
4     made knowingly, voluntarily with an understanding of the  
5     charges and the potential penalties resulting from your  
6     guilty pleas. I accept your plea of guilty as to each  
7     count.

8             I will now approve the binding plea agreement,  
9     and a copy of that plea agreement will be filed and made  
10    part of the record in this case reflecting a finding of  
11    guilt on each of the three counts. And I now order a  
12    presentence investigation to begin, and your counsel knows  
13    how to commence that process with that paperwork.

14            I have discussed briefly with counsel before the  
15    hearing that we are scheduling this case for sentencing on  
16    Tuesday April 16th at 3:00 p.m. And it is our hope by that  
17    time we'll have additional information under consideration  
18    including the details of restitution. Counsel, please  
19    timely review that report well ahead of our sentencing  
20    hearing so you can file any appropriate sentencing memos.  
21    Defendant's detention will be ordered continued to that  
22    sentencing date.

23            Do you have any final questions of me, Mr. Linn,  
24    anything at all about your case, your plea or the hearing  
25    today?



1 THE DEFENDANT: No, sir.

2 THE COURT: Have you understood everything we've  
3 covered in this hearing?

4 THE DEFENDANT: Yes, sir, I have.

5 THE COURT: Before we adjourn I do have a few  
6 comments. Given that this is a binding plea agreement, and  
7 given that I have accepted the recommendation of a 20 year  
8 sentence, I think it's appropriate for me to make a few  
9 comments.

10 Mr. Linn, whatever your motivation in committing  
11 this crime, you are no better than any terrorist or  
12 extremist that you apparently sought to punish. And what  
13 you may not have realized is that you chose a target that  
14 was the opposite of what you sought to destroy. The mosque  
15 in Northwest Ohio is the symbol of cooperation and  
16 acceptance and is reflective of an integration of several  
17 cultures. It is a symbol of the best that America offers.  
18 It is a symbol of what has brought generations of  
19 immigrants to our shores, respect, tolerance and freedom.  
20 And as someone who served in the military, it's especially  
21 disappointing that you missed that understanding. Your  
22 attack on this holy place of worship is an attack on all  
23 churches, synagogues or mosques.

24 I'm not sure how someone like you becomes so  
25 obsessed as to chart a plan like this. You indicated that

1 the inundation of 24/7 news may have been a factor. I'm  
2 not sure what you sought to achieve by this act. But what  
3 happened here is that you knocked on the wrong door. You  
4 did not attack the extremists or the terrorists. Quite the  
5 opposite. You attacked a place where families of different  
6 cultures come to pray, a place of peace. If only you could  
7 have understood and seen the faces of those families that  
8 worship there, perhaps your trip to Ohio could have been  
9 avoided. If only you could have talked with the Shousher  
10 family, the Kadri family, or other families there, you  
11 would have seen how wrong you were.

12           What makes this crime especially abhorrent is  
13 that it was an attack on a place of worship, and of course  
14 this country was founded in part on freedom of religion.  
15 You have attacked that freedom and done so by branding a  
16 certain religion as endorsing violence, which of course is  
17 not the case. Ironically it is your own violence that was  
18 sinful and evil.

19           I want to paraphrase New York City Mayor Michael  
20 Bloomberg as follows: "We may not always agree with every  
21 one of our neighbors; that is part of living in such a  
22 diverse country. But we also recognize that part of being  
23 American is living with your neighbors in mutual respect  
24 and tolerance. It was exactly that spirit of openness and  
25 acceptance that was attacked on 9-11-2001." And I would

1 say so it is with your attack on September 30th of this  
2 year.

3 If there's nothing further from counsel for  
4 either side, we are adjourned.

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I certify that the foregoing is a correct transcript  
from the record of proceedings in the above-entitled matter.

s:/Angela D. Nixon

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Angela D. Nixon, RPR, CRR  
Date